

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

DEONICIO CARVENTE-PEREZ,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA

Respondent.

On November 5, 2012, Petitioner, Deonicio Carvente-Perez, submitted a Notice of Appeal, which requires a certificate of appealability. However, an appeal may not be taken unless this Court issues a certificate of appealability pursuant to 28 U.S.C. § 2253(c)(1). In order to receive a Certificate of Appealability, Petitioner must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

After reviewing Petitioner's Notice of Appeal, the record in this case and the order denying Petitioner's Motion to Vacate, Set Aside or Modify Sentence pursuant to 28 U.S.C. § 2255, the Court finds that the Petitioner has <u>not</u> made a substantial showing of a denial of a constitutional right. Accordingly,

**IT IS ORDERED** that this Court will <u>not</u> issue a certificate of appealability in this case. **IT IS SO ORDERED**.

11/9/12 date

GORDON THOMPSON, JR. United States District Judge

cc: AUSA Bruce Castetter

Petitioner